

## 4.2 Release of Information

### [Authorization for Release of Personal Information Form](#)

#### PROTECTION, USE AND RELEASE OF PERSONAL INFORMATION

(a) General Provision - The state plan must assure that each service providers will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures assure that -

- (1) Specific safeguards protect current and stored personal information;
- (2) The client, representative, other services providers, cooperating agencies, and interested parties are informed of the confidentiality of personal information and conditions for gaining access to and releasing information;
- (3) Clients or representatives are informed about the service providers need to collect personal information and policies governing its use including -
  - (i) Identification of the authority under which information is collected;
  - (ii) Explanation of the principle purposes for which the service provider intends to use or release information;
  - (iii) Explanation of whether the information requested is mandatory or voluntary and the effects to the client of not providing the information;
  - (iv) Identification of the situations in which the service provider requires or does not require informed written consent from the client or representative before information may be released; and
  - (v) Identification of other agencies to which information is routinely released.
- (4) Persons who are unable to communicate in English or who rely on alternative modes of communication must be provided an explanation of service provider policies and procedures affecting personal information through methods that can be adequately understood to them;
- (5) At least the same protection is provided to individuals with significant disabilities as provided by State law and regulations; and

(6) Access to records is governed by rules established by the service provider and any fees charged for copies of records are reasonable and cover only extraordinary costs of duplication or making extensive searches.

b. Service Provider Use - All personal information in the possession of the service provider may be used only for purposes directly connected to the provision of IL service and the administration of the IL program under which IL services are provided. Personal identifiable information may not be shared with advisory or other bodies that do not have official responsibility for the provision of IL services or the administration of the IL program under which IL services are provided. In the provision IL services or the administration of the IL program under which IL services are provided, the service provider may obtain personal information from other service providers and cooperating agencies under assurances that the information may not be divulged, except as provided under paragraphs (c), (d), and (e) below.

c. Release to Clients

(1) Except as provided in paragraphs (c)(2) and (c)(3), if requested in writing by the client, the service provider shall release all information in the client's record to the client or representative in a timely manner.

(2) Medical, psychological, or other information that the service provider determines to be harmful to a client may not be released to the client, but must be provided through a qualified medical or psychological professional, or the client's legally authorized representative.

(3) If personal information has been obtained from other agencies or organizations, it may be released only by, or under conditions established by, the other agency or organization.

d. Release for Audit, Evaluation, and Research - Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research activities only for the purposes that are directly connected with the administration of an IL program or purposes that would significantly improve the quality of life of individuals with significant disabilities and only if the organization, agency or individual assures that:

(1) The information will be used only for the purposes for which it is being provided;

(2) The information will be released only to persons officially connected with the audit, evaluation or research;

(3) The information will not be released to the involved individual;

(4) The information will be managed in a manner to safeguard confidentially; and

(5) The final product will not reveal any personal identifiable information without the informed written consent of the involved client or representative.

e. Release to Other Programs or Authorities.

- (1) Upon receiving informed written consent of the client or representative, the service provider may release information to another agency or organization for the latter's program purposes only to the extent that the information may be released to the involved individual and only to the extent that the other agency or organization demonstrates that the information requested is necessary for proper administration of its program.
- (2) Medical and psychological information may be released pursuant to (e)(1) if the agency or organization assures the information will be only used for the purpose for which it is being provided and will not be released to the client.
- (3) The service provider shall release personal information if required by Federal laws or regulations.
- (4) The service provider shall release personal information in response to investigations in connection with law enforcement, fraud or abuse by others unless expressly prohibited by Federal or State laws or regulations, and in response to Judicial order.
- (5) The service provider may release personal information to protect the client or others if the client poses a threat to his or her safety or to the safety of others.

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